

TRANSLATION

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 2002P17083WO	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/EP2004/052678	International filing date (<i>day/month/year</i>) 27.10.2004	Priority date (<i>day/month/year</i>) 31.10.2003
International Patent Classification (IPC) or national classification and IPC A61B6/04		
Applicant SIEMENS AKTIENGESELLSCHAFT		

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>7</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of <u>8</u> sheets, as follows:</p> <p><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>																										
<p>4. This report contains indications relating to the following items:</p> <table><tr><td><input checked="" type="checkbox"/></td><td>Box No. I</td><td>Basis of the report</td></tr><tr><td><input type="checkbox"/></td><td>Box No. II</td><td>Priority</td></tr><tr><td><input type="checkbox"/></td><td>Box No. III</td><td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td></tr><tr><td><input type="checkbox"/></td><td>Box No. IV</td><td>Lack of unity of invention</td></tr><tr><td><input checked="" type="checkbox"/></td><td>Box No. V</td><td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td></tr><tr><td><input type="checkbox"/></td><td>Box No. VI</td><td>Certain documents cited</td></tr><tr><td><input type="checkbox"/></td><td>Box No. VII</td><td>Certain defects in the international application</td></tr><tr><td><input type="checkbox"/></td><td>Box No. VIII</td><td>Certain observations on the international application</td></tr></table>			<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input type="checkbox"/>	Box No. II	Priority	<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input type="checkbox"/>	Box No. VII	Certain defects in the international application	<input type="checkbox"/>	Box No. VIII	Certain observations on the international application
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Name and mailing address of the IPEA/EP		Authorized officer																								
Facsimile No.		Telephone No.																								

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Box No. I	Basis of the report
1.	<p>With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.</p> <p><input type="checkbox"/> This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:</p> <p><input type="checkbox"/> international search (Rule 12.3 and 23.1(b))</p> <p><input type="checkbox"/> publication of the international application (Rule 12.4)</p> <p><input type="checkbox"/> international preliminary examination (Rule 55.2 and/or 55.3)</p> <p>2. With regard to the elements of the international application, this report is based on <i>(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)</i>:</p> <p><input type="checkbox"/> the international application as originally filed/furnished</p> <p><input checked="" type="checkbox"/> the description:</p> <p>pages <u>6-10</u> as originally filed/furnished</p> <p>pages* <u>1-5, 5a</u> received by this Authority on <u>29.04.2005 with letter of 27.04.2005</u></p> <p>pages* _____ received by this Authority on _____</p> <p><input checked="" type="checkbox"/> the claims:</p> <p>nos. _____ as originally filed/furnished</p> <p>nos.* _____ as amended (together with any statement) under Article 19</p> <p>nos.* <u>1-8</u> received by this Authority on <u>29.04.2005 with letter of 27.04.2005</u></p> <p>nos.* _____ received by this Authority on _____</p> <p><input checked="" type="checkbox"/> the drawings:</p> <p>sheets <u>1/2, 2/2</u> as originally filed/furnished</p> <p>sheets* _____ received by this Authority on _____</p> <p>sheets* _____ received by this Authority on _____</p> <p><input type="checkbox"/> a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.</p>
3.	<p><input type="checkbox"/> The amendments have resulted in the cancellation of:</p> <p><input type="checkbox"/> the description, pages _____</p> <p><input type="checkbox"/> the claims, nos. _____</p> <p><input type="checkbox"/> the drawings, sheets/figs _____</p> <p><input type="checkbox"/> the sequence listing (<i>specify</i>): _____</p> <p><input type="checkbox"/> any table(s) related to sequence listing (<i>specify</i>): _____</p>
4.	<p><input type="checkbox"/> This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).</p> <p><input type="checkbox"/> the description, pages _____</p> <p><input type="checkbox"/> the claims, nos. _____</p> <p><input type="checkbox"/> the drawings, sheets/figs _____</p> <p><input type="checkbox"/> the sequence listing (<i>specify</i>): _____</p> <p><input type="checkbox"/> any table(s) related to sequence listing (<i>specify</i>): _____</p>

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1.	Statement		
	Novelty (N)	Claims <u>5-7</u>	YES
		Claims <u>1-4, 8</u>	NO
	Inventive step (IS)	Claims _____	YES
		Claims <u>1-8</u>	NO
	Industrial applicability (IA)	Claims <u>1-8</u>	YES
		Claims _____	NO
2.	Citations and explanations (Rule 70.7)		
	<p>This report makes reference to the following documents:</p> <p>D1: EP0812567 A</p> <p>D2: US4360936 A</p> <p>D3: US2002/0112288 A</p> <p>D4: GB2286887 A</p> <p>D5: US6195578 B</p> <p>D6: FR2529088 A</p> <p>1. A patient-supporting device for a computer tomograph must be construed to mean merely a patient-supporting device which is suitable for a computer tomograph. Moreover, claim 1 relates to a patient-supporting device; features relating to the computer tomograph are superfluous and do not restrict the subject matter of claim 1.</p> <p>Moreover, it is unclear whether the (undefined) computer tomograph is part of the patient-supporting device. As a result, the definition of the claimed subject matter is unclear (PCT Article 6).</p> <p>2. Regardless of the above-mentioned lack of clarity, the</p>		

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subject matter of claim 1 is not novel (PCT Article 33(2)), and therefore the requirements of PCT Article 33(1) are not met.

2.1 Document D1 discloses (the references in parentheses are to that document):

a patient-supporting device for a computer tomograph, the patient-supporting device comprising a height-adjusting system (column 3, lines 40-42) designed to bear a patient bed in a vertically adjustable manner, the height-adjusting system being mounted on the computer tomograph, to the side of the examination opening.

The patient-supporting device described in document D1 is mounted on an X-ray device which contains a C-shaped arch (gantry) which forms an examination opening. Moreover, D1 discloses a tomograph (26). *The patient-supporting device disclosed in document D1 is also suitable for a computer tomograph* (see also D1, column 2, lines 1-4).

The subject matter of claim 1 is therefore not novel (PCT Article 33(2)).

2.2 Document D4 (see, in particular, figures 1 and 2) also discloses a patient-supporting device (D4, 3) having a height-adjusting system (D4, 5) mounted on an examination device, to the side of the examination opening. *The patient-supporting device disclosed in document D4 is also suitable for a computer tomograph.*

The subject matter of claim 1 is therefore not novel (PCT

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Article 33(2)).

2.3 Document D5 (see, in particular, figure 1) also discloses a patient-supporting device (D5, 3) having a height-adjusting system (D5, column 3, lines 17-25) mounted on an examination device (D5, 1), to the side of the examination opening (D5, 2). The table (D5, 3) and the height-adjusting system (D5, 5) are linked to the examination device (D5, 1) (figures 1, 7). *The patient-supporting device disclosed in document D5 is also suitable for a computer tomograph.*

The subject matter of claim 1 is therefore not novel (PCT Article 33(2)).

2.4 Document D6 (see, in particular, figure 1) discloses a patient-supporting device (D6, 4) having a height-adjusting system (D6, column 5, lines 25-32) mounted on an examination device (D6, 1), to the side of the examination opening (D6, 3). *The patient-supporting device disclosed in document D6 is also suitable for a computer tomograph.*

The subject matter of claim 1 is therefore not novel (PCT Article 33(2)).

3. Dependent claims 2-7 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of PCT Article 33(2) for novelty or PCT Article 33(3) for inventive step.

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3.1 The features of claims 2-4 are disclosed in document D1, for example: see figure 1 and column 3, lines 40-46. The features of claim 2 are also disclosed in document D4 (see figure 1).

The subject matter of claims 2-4 is therefore not novel (PCT Article 33(2)).

3.2 The subject matter of dependent claims 4 and 5 relates to minor structural modifications of claim 1 which lie within the scope of what a person skilled in the art routinely does, on the basis of familiar considerations, especially since this structure is well known and often used (see also documents D1, D2 and D5), and the advantages achieved thereby are easily foreseeable. Consequently, the subject matter of claims 4 and 5 does not involve an inventive step (PCT Article 33(3)).

A patient-supporting device (as per claims 6 and 7) arranged on both sides of a computer tomograph is well known to a person skilled in the art and is often used; see document D3, in particular figure 5. It would therefore be obvious for a person skilled in the art to apply these features to a conventional computer tomograph, to like effect, without an inventive input (PCT Article 33(3)).

4. The present application does not meet the requirements of PCT Article 33(1) because the subject matter of claim 8 does not involve an inventive step (PCT Article 33(3)).

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Document D1 discloses an X-ray device comprising a patient-supporting device as per claim 1. Document D4 and document D5 further disclose a MIR device (magnetic resonance) which also comprises a patient-supporting device. It is thus well known to a person skilled in the art to provide an imaging device with a patient-supporting device (as per claim 1). In addition, it would be obvious for a person skilled in the art to use a patient-supporting device as described in documents D1 and D4-D6 with a computer tomograph. Consequently, the subject matter of claim 8 does not involve an inventive step (PCT Article 33(3)).